REMARKS

At the outset, applicants would like to thank Examiner Kifle for his time and consideration of the present application throughout the prosecution of the present application. Applicants believe that this application has been amended in a manner that places it in condition for allowance at the time of the next Official Action.

Claims 54-55, 60-61, 64-65, 67-69, and 73-76 are pending in the present application. Claims 54-55, 60-61, 64-65, and 67-69 have been amended to address the formal matters raised in the outstanding Official Action. New claims 73-76 have been added. Support for new claims 73-76 may be found generally throughout the specification and in original claims 54-64. Claims 1-53, 56-59, 62-63, 66, and 70-72 have been canceled.

In the outstanding Official Action, claims 1-9, 12-14, and 27-30 were rejected under judicially created doctrine as allegedly being drawn to an improper Markush group. Applicants believe that the present amendment obviates this rejection.

As the Examiner is aware, it is improper for the Patent Office to refuse to examine that which applicants regard as their invention, unless the subject matter in the claims lack unity of invention. *In re Harnish*, 631 F.2d 716, 206 USPQ 300 (CCPA 1980); *in ex parte Hozumi*, 3 USPQ2d 1059 (BPAI 1984). The Examiner's attention is further directed to Section 803.02 of

the MPEP that provides that unity invention exists for compounds included within a Markush group that (1) share a common utility, and (2) share a substantial structural feature disclosed as being essential to that utility.

While the outstanding Official Action fails to provide any evidence or citations that show that the claimed compounds lack unity of invention, in the interest of advancing prosecution, the Examiner's attention is respectfully directed amended claims 54-55, 60-61, 64-65, and 67-69. Moreover, new claims 73-76 have been added. The claimed invention is directed to compounds of Formula I bis and to a process for preparing these compounds.

As a result, applicants believe that claims 40-53 are in good order and request that the Examiner withdraw the improper Markush rejection.

Claims 1-9, 12-14, and 27-30 were rejected under 35 USC §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. Applicants believe the present amendment obviates this rejection.

In imposing the rejection, the Official Action alleged that the term "GP" was indefinite. The Official action alleged that alkyl groups, aryl groups, and CONHR groups are not protective groups. Moreover, the Official Action stated that it

was unclear how the oxygen molecule acted as a protective group. In the interest of advancing prosecution, the group "GP" has been amended so that the above identified groups are no longer recited. Moreover, the "GP" groups have been further clarified. As a result, applicants believe that the "GP" group is definite to one skilled in the art.

In addition, the Official Action alleged that the definitions of R^1 and R^i were indefinite. Claim 54 has also been amended to further characterize these groups. As a result, applicants believe that the groups are definite to one skilled in the art.

The Official Action also alleged that the metes and bounds of "X" were unclear. In claims 54, 55, 60, 61, 64, 65 and 67-69, X has been amended to recite that the X group represents a group derived from N-hydroxysuccinimide or p-nitrophenol. Moreover, the X group is represented by chemical formulas. In new claim 73, X represents -O-succinimidyl or p-nitrophenol. Claim 75 recites that the X group is O-succinimidyl. As a result, applicants believe that the X group recited in all of the claims is definite to one of ordinary skill in the art.

At this time, applicants note with appreciation the indication that claims 64-67 would be allowable if rewritten in independent form. Indeed, applicants believe that claims 64-67 are still allowable.

In the outstanding Official Action, the Examiner also indicated that there were several publications that were cited in an Information Disclosure Statement filed on August 4, 2004 that were not considered because legible copies of the publications were not received. For the Examiner's convenience, a copy of those publications are included in the Appendix of the present amendment. In addition, a copy of the Information Disclosure Statement filed on August 4, 2004 is included along with the postcard receipt indicating that the Information Disclosure Statement of that date was filed with multiple references. As a result, applicants believe that the references were submitted in a timely manner and ask that they be considered at this time.

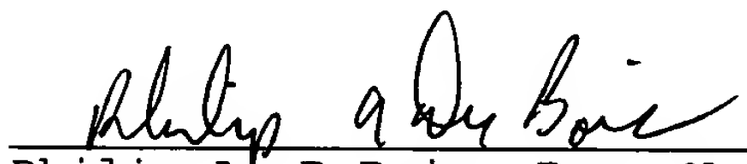
In view of the present amendment and the foregoing remarks, therefore, applicants believe that the present application is in condition for allowance at the time of the next Official Action.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any

overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

YOUNG & THOMPSON



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PD/mjr
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